

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-cv-21463-ALTMAN/Sanchez

NEREYDA SUHEY CASTILLO MARENCO,

Plaintiff,

v.

J.C. PAINTING CONTRACTOR LLC,

et al.,

Defendants.

ORDER

The Plaintiff has filed Motion for Writ of Execution (the “Motion”) [ECF No. 31], which we now **GRANT**.

On April 18, 2024, the Plaintiff filed her Complaint [ECF No. 1] against the Defendants, asserting claims under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §§ 201–219. On July 23, 2024, the Plaintiff filed a Notice of Filing Acceptances of Offers of Judgment pursuant to FED. R. CIV. P. 68 [ECF No. 26]. On July 25, 2024, we entered a Final Judgment [ECF No. 28] in favor of the Plaintiff under FED. R. CIV. P. 68. The Plaintiff now “seeks to enforce the money judgment(s) against Defendants, JC Painting Contractor LLC, Maria Gonzalez, and Tomas Gonzalez, pursuant FED. R. CIV. P. 69(a) through the issuance of a Writ of Execution.” Motion ¶ 3. And the Plaintiff has attached to that Motion a Proposed Writ of Execution [ECF No. 31-1] to be executed by the United States Marshal’s Service.

“Absent a stay on some ground, plaintiffs are free to seek execution of the judgment, pursuant to FED. R. CIV. P. 69.” *Bre Mariner Marco Town Ctr., LLC v. Zoom Tan, Inc.*, 2016 WL 6138623, at *4 (M.D. Fla. Oct. 21, 2016) (Mirando, Mag. J.) (quoting *Acevedo-Garcia v. Vera-Monroig*, 296 F.3d 13, 17 (1st Cir. 2002)). Under FED. R. CIV. P. 69(a), “[a] money judgment is enforced by a writ of execution,

unless the court directs otherwise. The procedure on execution—and in proceedings supplementary to and in aid of judgment or execution—must accord with the procedure of the state where the court is located, but a federal statute governs to the extent it applies.” FED. R. CIV. P. 69(a). “Under Florida law, a judgment creditor may request that the clerk of court issue a writ of execution in order to satisfy the amount of a judgment.” *Feliciano v. Styrofoam Moulding Co.*, 2021 WL 8200232, at *1 (M.D. Fla. Sept. 15, 2021) (Sneed, Mag. J.) (citing FLA. STAT. § 56.021). In Florida, “[o]n any judgment against a corporate judgment debtor, the judgment creditor may have an execution levied on the current money as well as on the goods and chattels, lands and tenements of the corporate judgment debtor.” *Ibid.* (quoting FLA. STAT. § 56.09).

Our Plaintiff has obtained a judgment against the Defendants in the amount of \$30,000. *See* Final Judgment. And this Final Judgment has been neither stayed nor appealed. *See generally* Docket. Accordingly, we hereby **ORDER and ADJUDGE** as follows:

1. The Plaintiff’s Motion for Writ of Execution [ECF No. 31] is **GRANTED**.
2. The **Clerk of Court** is directed to **issue the proposed Writ of Execution** attached to the Motion [ECF No. 31-1].

DONE AND ORDERED in the Southern District of Florida on August 9, 2024.

A handwritten signature in black ink, appearing to read 'Roy K. Altman', written over a horizontal line.

ROY K. ALTMAN
UNITED STATES DISTRICT JUDGE

cc: counsel of record